UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,778	10/31/2001	David L. Henty	DLH1.PAU.02	8707

7590 07/02/2003

David L. Henty
Suite 1150
19900 MacArthur Blvd.
Irvine, CA 92612

EXAMINER	
KUMAR, SRILAKSHMI K	

ART UNIT	PAPER NUMBER
2675	4

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/003,778	HENTY, DAVID L.	
	Examiner	Art Unit	
	Srilakshmi K. Kumar	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-7 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al (US 6,445,379) in view of Gershenfeld et al (US 6,025,725).

As to independent claims 1, 8 and 9, Liu et al disclose a wireless mouse and reader combination (Fig. 1), comprising; a source of an interrogating field (Fig. 1, item 12); a wireless mouse having a movable XY encoder (Fig. 1, item 20), a plurality of mouse control buttons (Fig. 1, on the top of the upper housing, 21, there are a plurality of buttons), at least one antenna (col. 2, lines 32-37), and one or more transponder circuits coupled to the at least one antenna and associated with XY encoder and plurality of mouse control buttons and providing a response to the interrogating field identifying XY encoder motion and mouse control button activation; and a reader including a decoder for determining the response from the passive transponder circuits (col. 2, lines 24-54). Liu et al does not disclose where the transponder circuits are passive transponder circuits. Gershenfeld et al disclose a system for remotely sensing including coils made with magnetic materials as is disclosed in col. 6, lines 30-45. It would have been obvious to one of ordinary skill in the art to combine Liu and Gershenfeld as the system of Gershenfeld would be typical of the transponders used. Further, Gershenfled disclose in col. 3, lines 25-31, where this system would be used in a wireless computer input device.

As to dependent claim 2, limitations of claim 1, and further comprising, wherein said XY encoder comprises a ball (Fig. 1, item 23) adapted to rotate in response to mouse motion and X and Y encoder wheels coupled to the ball so as to respectively rotate in response to mouse motion in perpendicular directions (Fig. 1, on either side of where the ball is housed).

As to dependent claim 3, limitations of claim 2, and further comprising, wherein said XY encoder wheels further comprise a circuit element coupled to said one or more passive transponder circuits so as to tune and detune said one or more passive transponder circuits in response to mouse motion in X and Y directions (col. 2, lines 55-57).

As to dependent claim 4, limitations of claim 3, and further comprising, wherein said circuit element comprises a circuit element magnetically coupled to said one or more passive transponder circuits. Liu et al does not disclose where the transponder circuits are passive transponder circuits. Gershenfeld et al disclose a system for remotely sensing including coils made with magnetic materials as is disclosed in col. 6, lines 30-45. It would have been obvious to one of ordinary skill in the art to combine Liu and Gershenfeld as the system of Gershenfeld would be typical of the transponders used. Further, Gershenfled disclose in col. 3, lines 25-31, where this system would be used in a wireless computer input device.

As to dependent claim 5, limitations of claim 3, and further comprising, wherein said circuit element comprises a circuit element capacitively coupled to said one or more passive transponder circuits. Liu et al does not disclose where the transponder circuits are passive transponder circuits. Gershenfeld et al disclose a system for remotely sensing including coils made with magnetic and capacitative material as is disclosed in col. 6, lines 30-45. It would have been obvious to one of ordinary skill in the art to combine Liu and Gershenfeld as the

system of Gershenfeld would be typical of the transponders used. Further, Gershenfled disclose in col. 3, lines 25-31, where this system would be used in a wireless computer input device.

As to dependent claim 6, limitations of claim 1, and further comprising, wherein said interrogating field includes first and second frequencies and wherein said one or more passive transponder circuits resonant at said first and second frequencies, respectively (col. 4, lines 25-47).

As to dependent claim 7, limitations of claim 6, and further comprising, wherein said at least one antenna comprises first and second antennas respectively coupled to said first and second passive transponder circuits (col. 4, lines 25-47).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Srilakshmi K. Kumar** whose telephone number is **(703) 306 5575**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575. The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven J. Saras can be reached on 703 305 9720. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 308 9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 4700.

Srilakshmi K. Kumar
Examiner
Art Unit 2675

SKK
June 27, 2003

STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600